

State of Wisconsin



1997 Assembly Bill 254

Date of enactment: **April 27, 1998**
Date of publication*: **May 11, 1998**

1997 WISCONSIN ACT 185

AN ACT *to amend* 227.24 (2) (a), 227.24 (2) (b) 1., 227.24 (2) (c) and 227.24 (3); and *to create* 227.24 (2) (am) of the statutes; **relating to:** promulgation of emergency rules and the extension of emergency rules by the joint committee for review of administrative rules.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 227.24 (2) (a) of the statutes is amended to read:

227.24 (2) (a) At the request of an agency, the joint committee for review of administrative rules may, at any time prior to the expiration date of a rule promulgated under sub. (1) (a), extend the rule's effective period of the emergency rule or part of the emergency rule for a period specified by the committee not to exceed 60 days. Any number of extensions may be granted under this paragraph, but the total period for all extensions may not exceed 120 days.

SECTION 2. 227.24 (2) (am) of the statutes is created to read:

227.24 (2) (am) Any request by an agency to extend the effective period of the emergency rule or part of the emergency rule must be made in writing to the joint committee for review of administrative rules no later than 30 days before the initial expiration date of the emergency rule. At the time that the agency submits the written request to the joint committee for review of administrative rules, the agency shall submit a copy of the written request to the presiding officer of each house of the legislature and to the appropriate committees of each house of the legislature, as determined by the presiding officer of

each house of the legislature. The presiding officer of each house of the legislature shall enter a statement in the journal of his or her house that the agency has submitted a request to extend the effective period of the emergency rule or part of the emergency rule. This paragraph shall not apply to any subsequent request by the agency to extend the same emergency rule or part of the emergency rule.

SECTION 3. 227.24 (2) (b) 1. of the statutes is amended to read:

227.24 (2) (b) 1. Evidence that there is a threat to the public peace, health, safety or welfare that can be avoided only by extension of the emergency rule or part of the emergency rule.

SECTION 4. 227.24 (2) (c) of the statutes is amended to read:

227.24 (2) (c) Whenever the committee extends an emergency rule or part of an emergency rule under par. (a), it shall file a statement of its action with the agency promulgating the emergency rule, the presiding officer of each house of the legislature, the appropriate committees of each house of the legislature, as determined by the presiding officer of each house of the legislature, the secretary of state and the revisor of statutes. The statement shall identify the specific emergency rule or rules part of an emergency rule to which it relates. The presiding officer of each house of the legislature shall enter a statement

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

in the journal of his or her house that the emergency rule or part of the emergency rule has been extended.

SECTION 5. 227.24 (3) of the statutes is amended to read:

227.24 (3) FILING. An agency shall file a rule promulgated under sub. (1) as provided in s. 227.20, shall mail a copy to the chief clerk of each house and to each member of the legislature at the time that the rule is filed and shall take any other step it considers feasible to make the rule known to persons who will be affected by it. The revisor shall insert in the notice section of each issue of the register a brief description of each rule under sub. (1) that is currently in effect. Each copy, notice or description of a rule promulgated under sub. (1) (a) shall be accompa-

1997 Assembly Bill 254

nied by a statement of the emergency finding by the agency or by a statement that the rule is promulgated at the direction of the joint committee for review of administrative rules under s. 227.26 (2) (b).

SECTION 6. Initial applicability.

(1) The treatment of section 227.24 (3) of the statutes applies to emergency rules promulgated under section 227.24 (1) of the statutes on or after the effective date of this subsection.

(2) The treatment of section 227.24 (2) (a), (am), (b) 1. and (c) of the statutes applies to requests for emergency rule extensions under section 227.24 (2) of the statutes on or after the effective date of this subsection.